

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES RAY HICKS,
Petitioner,

v.

JOHN E. WETZEL, Secretary,
Pennsylvania Department of Corrections;
ROBERT GILMORE, Superintendent of
the State Correctional Institution at Greene;
and MARK GARMAN, Superintendent of
the State Correctional Institution at
Rockview,
Respondents.

No. 1:17-CV-1969

(Chief Judge Conner)

THIS IS A CAPITAL CASE

FILED
HARRISBURG, PA

FEB 01 2019

PER



DEPUTY CLERK

PETITIONER'S MOTION TO FILE DOCUMENTS UNDER SEAL

Petitioner, Charles Ray Hicks, through counsel, respectfully submits his Motion to File Documents Under Seal and, in support thereof, states the following:

1. On July 20, 2018, this Court issued an Order directing Mr. Hicks to file his Habeas Petition on or before October 2, 2018.

2. On August 29, 2018, the Department of Corrections went into a lockdown and stopped processing all mail. On September 13, 2018, Mr. Hicks filed a *Motion for a 60-Day Extension of Time in Which to File His Habeas Petition and an Order Directing that the Federal Habeas Statute of Limitations is Equitably*

Tolled Until that Date in Light of the Unique Circumstances. Doc. 9. On September 26, 2018, this Court entered an Order granting Mr. Hicks' request. Doc. 12.

3. On November 6, 2018, Petitioner filed his *Motion for a 60-Day Extension of Time to File His Habeas Petition and an Order Directing that the Federal Habeas Statute of Limitations is Equitably Tolled* (Doc. 13) and his *Motion for an Order Directing the Department of Corrections to Allow Counsel to Provide Him a Confidential Legal Document in a Manner that Does Not Violate Attorney/Client Privilege* (Doc. 15).

4. On December 17, 2018, Mr. Hicks submitted his Status Report, updating the Court on the progress for obtaining privileged consultation and requesting that he be permitted to file his Habeas Petition on February 1, 2019 (Doc. 23). On December 18, 2018, this Court issued an order directing that Mr. Hicks file his petition on or before February 1, 2019 (Doc. 24).

5. Mr. Hicks has, this date filed his *Petition for a Writ of Habeas Corpus by a Prisoner in State Custody*.

6. For the reasons provided in his Statement of Factual and Legal Justification, Mr. Hicks respectfully requests that the attached documents be filed under seal pursuant to Pa. M.D. L.R. 5.8 and Pa. M.D. L.Cr.R. 49.

WHEREFORE, Petitioner respectfully requests that the Court grant his

Motion to File Documents Under Seal.

Respectfully submitted,

s/Kelly D. Miller

KELLY D. MILLER, ESQUIRE

Asst. Federal Public Defender

Federal Public Defender for the
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Dated: February 1, 2019

CERTIFICATE OF SERVICE

I, Kelly D. Miller, hereby certify that on this date I caused the foregoing document to be served on the following person at the location and in the manner indicated below, which satisfies the requirements of the Federal Rules of Civil Procedure:

VIA FIRST-CLASS MAIL

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Dated: February 1, 2019